

I would be willing to bet that we send more money to those areas than we spend in Alaska to meet the needs of the Americans who live there.

# BANKRUPTCY REFORM ACT OF 2001—Continued

Mr. STEVENS. Mr. President, under the provisions of rule XXII, I yield the remainder of my hour to the bill's manager.

The PRESIDING OFFICER. The Senator has that right.

## AMENDMENT NO. 20, AS MODIFIED

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand we have amendment No. 19, the amendment of the Senator from Vermont, pending. I ask unanimous consent that amendment No. 20 be modified by an amendment by myself and Mr. HATCH.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I withhold that for a moment.

While we are waiting on that matter—I am surely going to make the request again—we have my amendment with the yeas and nays on it. And I understand that the leader would prefer that votes begin in the morning. I have no objection to the leader stacking that with other votes to occur in the morning. We have the yeas and nays on it.

I urge, however, that those who have germane amendments on our side come to the floor and offer them, seek the yeas and nays, if they wish, and speak on them tonight. There is no reason why we cannot finish this bill sometime during the day tomorrow.

Mr. President, there appears to be some difficulty. I was of the understanding that Senator HATCH wanted this modified. I was going to offer that modification as a courtesy to Senator HATCH. I will not offer the modification and am perfectly happy to have them go ahead and vote on my original amendment.

I yield the floor.

Mr. President, I ask unanimous consent to modify amendment No. 20 on behalf of myself and Mr. HATCH. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 20), as modified, is as follows:

(Purpose: To protect the identity of minor children in bankruptcy proceedings)

On page 124, between lines 10 and 11, insert the following:

## SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

### “§ 112. Prohibition on disclosure of identity of minor children

“In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this

title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

“112. Prohibition on disclosure of identity of minor children.”.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have not been called for.

Mr. LEAHY. I ask unanimous consent that it be in order at this point to ask for the yeas and nays on amendment No. 20, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

## VITIATION OF MODIFICATION

Mr. LEAHY. Mr. President, I ask unanimous consent to vitiate the action on amendment No. 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 41, AS MODIFIED

Mr. LEAHY. Mr. President, I ask unanimous consent that similar action be now done in relation to amendment No. 41; that is, that amendment No. 41 be modified on behalf of myself and Senator HATCH.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 41), as modified, is as follows:

(Purpose: To protect the identity of minor children in bankruptcy proceedings)

On page 124, between lines 10 and 11, insert the following:

## SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

### “§ 112. Prohibition on disclosure of identity of minor children

“In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.”.

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(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

“112. Prohibition on disclosure of identity of minor children.”.

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays, instead, on amendment No. 41, as modified.

The PRESIDING OFFICER. Apparently, the yeas and nays have already been ordered.

Mr. LEAHY. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent, notwithstanding rule XXII, that at 12 o'clock noon on Thursday, the Senate proceed to vote in relation to the pending amendment No. 19; that upon disposition of amendment No. 19, the Senate vote in relation to amendment No. 41, as modified; that the amendments now be laid aside; and that there be 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 420 at 9:30 on Thursday, there be 10 hours remaining under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that at 9:30 on Thursday, Senator WELLSTONE be recognized to offer any of his germane amendments, Nos. 69, 70, 71, 72, 73, and 74, and time consumed be considered Senator WELLSTONE's time under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I further ask unanimous consent that at 10:30 a.m. on Thursday, Senator KOHL be recognized in order to call up a filed amendment, No. 68, regarding the homestead provision. Further, I ask that there be 90 minutes for debate equally divided in the usual form, and that following the debate, the Kohl amendment be temporarily set aside with a vote to occur in relation to the amendment at a time determined by the two managers; further, that there be no amendments to

the Kohl amendment in order prior to the vote.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLEAN AIR AND GLOBAL WARMING

Mr. KERRY. Mr. President, I rise to make a few remarks about the rather stunning announcement we read this morning on the front page of a number of newspapers about President Bush's reversal of a campaign promise he made with great clarity in the course of the last year. That is the reversal of a very clear promise by the President to support efforts to reduce pollution, particularly carbon dioxide emissions from powerplants in this country.

On the campaign trail last year, then-candidate Bush made clear his support for legislation to reduce nitrogen oxide, sulfur dioxide, mercury, and carbon dioxide from powerplants, the so-called four pollutants. There has been a great deal of science, a great deal of research done over these last years with respect to the impact of these pollutants on the quality of our life on this planet.

On September 29, 2000, President Bush could not have been more clear. He said:

With the help of Congress, environmental groups and industry, we will require all powerplants to meet clean air standards in order to reduce emissions of sulfur dioxide, nitrogen oxide, mercury and carbon dioxide within a reasonable period of time.

Only 10 days ago, EPA Administrator Christie Whitman reaffirmed the President's position that he would support and seek legislation to cut global warming pollution from powerplants.

This is the second time in 2 weeks that a policy announcement by a Secretary in the Bush administration has been reversed by the White House only a few days after that policy announcement was made. I am referring to the prior policy announcement made by Secretary Powell with respect to the efforts to renew negotiations left off by the Clinton administration with North Korea. Two days after Secretary Pow-

ell said, indeed, that is what the administration would do, the President and the White House announced they would not, and the rug was essentially pulled out from under Secretary Powell. Now we see the same thing with Secretary Whitman. She announces that, indeed, she intends to enforce the President's campaign promise, and many groups around the country welcomed having a President of the United States who was prepared to offer leadership and to move us in the right direction.

Yesterday it became clear, all of a sudden, that the President was no longer interested in doing what he said, helping Congress and environmental groups and industry and, apparently, even his own EPA Administrator in that effort. It turns out that the President not only does not support it but he opposes it.

A lot of Americans will have their own judgments about what happens when people run for office and within a few months of running for office renege on the promises they make to the American people about why it is they ought to be elected. In a letter to Senator HAGEL and others, the President said:

I do not believe that the government should impose on power plants mandatory emissions reductions for carbon dioxide, which is not a pollutant under the Clean Air Act.

The White House has offered explanations for the President's flipflop by saying that the President did not understand that carbon dioxide emissions from powerplants is currently not regulated. Therefore, his pledge was misinformed, and the mistake.

With all due respect, I find that statement to be an inadequate explanation, not so much because the President didn't know the current implementation requirements of the Clean Air Act but because, despite that lack of awareness, he proceeded to make such a sweeping promise to the American people and to allow his EPA Administrator to continue that promise for a few weeks while in office.

The second reason for the President's reversal, the White House claims, is a "new" study by the Department of Energy that concludes that the cost of environmental protections is too great. Let me underscore that: The cost of environmental protections is too great.

I don't think that analysis properly balances the many different variables in how you arrive at the true cost because that cost has to be balanced, not just based on the exact cost of putting in the implementing technology, you also have to measure the downside cost to the United States of America, indeed to the globe, for not taking the kinds of steps we need to take.

Our country, I regret to say, has been the largest emitter in the world, growing at the fastest rate in the world in terms of energy use, and the least responsive in terms of the steps we should be taking to deal with this. This

country has to come to grips at some time with the realities of the profligate energy policies we are pursuing that wind up using extraordinary amounts of resources relative to our population without the kind of balance necessary to create what is called a sustainable energy policy, a sustainable environmental policy.

I find it also troubling that this one study, called "Analysis of Strategies for Reducing Multiple Emissions from Power Plants," is deemed to be somehow a new revelation. The study was a request of the Department of Energy by former Congressman David McIntosh who, it happens, has been one of the harshest critics of environmental protections who has served in the Congress. The study is a classic case of bad information in, bad information out. Some would call it, with respect to the technology world, computers: Garbage in, garbage out. It purposefully restricts market mechanisms, and it assumes highest cost generation. As a result, its conclusions are entirely prefixed, preordained to come out with an expense factor that does not reflect where the technology is, where the state of the art is, or where the realities are economically.

I recommend that the President review a series of other economic analyses that embrace market mechanisms, that reflect real costs, and other kinds of environmental protections. This includes a different and more recent study by the Department of Energy that concludes that a multipollutant approach can reduce pollutions from large generators with net savings to the consumer.

I am not someone who comes to the floor as an environmentalist and suggests that the environmental movement has not on occasion pressed for a solution that may, in fact, demand too much too quickly, or sometimes, I agree, we have environmental rules that are not even thoughtfully applied. There are times when we require of small businesses the same meeting of standards as we require for large businesses. It obviously does not make sense to the economies of scale or the gains or the capacities of those businesses to perform.

I readily accept the notion that there are some places that we can do better, there are some ways in which we can harness the energy of the marketplace and use market forces to find solutions. I believe Republican and Democrat alike in past administrations have been negligent in being creative about reaching out to the private sector and putting the private sector at the table and asking the private sector for ways in which we could do things with least cost, least regulation, least intrusiveness from Washington, and harness the energy of the marketplace in finding some of these solutions.

Regrettably, even when that has happened, when companies have stepped forward and shown that there are cheaper ways of doing things, we now